Calendar No. 960

82D CONGRESS, 1st Session | SENATE | REPORT No. 1003

MICHAEL BERNARD (CERVERA)

UNIV. OF MICH.
OCT 29 1951
LAW LIBRARY

OCTOBER 26 (legislative day, OCTOBER 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4929]

The Committee on the Judiciary, to which was referred the bill (H. R. 4929) for the relief of Michael Bernard (Cervera), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant a waiver of the racial barrier to admission into the United States in behalf of a half-Japanese child in the custody of Master Sgt. and Mrs. Carmen J. Cervera, citizens of the United States. The child would be considered to be a nonquota immigrant, which is the status normally enjoyed by alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 4-year-old child, who was born in Japan of a Japanese mother and an unknown American soldier. The child has been released from an orphanage in Japan to Master Sgt. and Mrs. Carmen J. Cervera, who are now in Japan and are citizens of the United States.

Congressman Hugh J. Addonizio, the author of the bill, has submitted to the Committee on the Judiciary of the House of Representatives the following statement and documents in support of the bill:

Your committee has already been furnished with rather abundant evidence in support of the purpose of this legislation, namely, to facilitate the admission into the United States of the adopted child of Master Sgt. and Mrs. Carmen J. Cervera, who are now in Japan. The couple have taken this 4-year-old boy, the son of a Japanese mother and an American GI father, from an orphanage in Japan and wish to have him return with them to the United States upon the expiration of Sergeant Cervera's tour of duty in that country, which will probably be sometime

next year. All the formalities required by the authorities in Japan have been complied with, and the little boy has been living with the Cerveras since June of this year. Mrs. Cervera wrote that they really love the child, and a picture of him taken after his placement with them shows a smiling, healthy, happy youngster whose whole demeanor tells more eloquently than words of the loving care and attention being given him. As indicated in the letters of recommendation submitted to your committee, Sergeant and Mrs. Cervera enjoy the best of reputations and have the necessary qualifications of mind and heart to rear the child to become a good American citizen. They have no children of their own having lost two at birth and, as Mrs. Cervera said, they want to make someone ele's child happy. I hope your committee will give them this opportunity by favorably reporting H. R. 4929.

OUR LADY OF LOURDES BABY HOME,
Yokohama, June 26, 1951.

To Whom It May Concern:

I hereby certify that Bernard Sugiyama Tadao, an orphan of the above home, has been placed by me into the custody of MSgt. and Mrs. C. J. Cervera.

The child has been in Our Lady of Lourdes Baby Home from the age of about 15 days until the present date. He has no other known background.

Hereafter this home has no further claim on Bernard Sugiyama Tadao.

Sister MARY ST. HELIER,
Franciscan Missionaries of Mary.

OUR LADY OF LOURDES BABY HOME,
Yokohama, June 11, 1951.

I, Mrs. Carmen (Raphael) J. Cervera, upon agreement with the Mother Superior of the Franciscan Missionaries of Mary of Yokohama, Our Lady of Lourdes Baby Home, promise to adopt legally, child Bernard, born of Japanese mother, American father, baptized in the Catholic Church October 16, 1946, under the name of Bernard.

I also promise to bring up Bernard according to the precepts of the Roman Catholic Church and provide for education in a Catholic school.

As much as possible I keep in contact with the above home. In any way Bernard will be returned there if I become unable to keep him.

Mrs. CARMEN (RAPHAEL) J. CERVERA.
MARIE DE ST. HÉLIER, F. M. M.,
Mother Superior.

Witness:
MARIE DU B. HILDEGAIRE, F. M. M.

AFFIDAVIT

CITY OF YOKOHAMA,
Kanagawa Prefecture, Honshu, Japan, ss:

I, Carmen J. Cervera, being first duly sworn upon oath, depose and say:

That I am a master sergeant in the Armed Forces of the United States. My serial number is 6711357, and I am presently assigned to the Eight Thousand and Thirty-second TAMRS Company, APO 503, in care of Postmaster, San Francisco, Calif., and by reason of my Army assignment I am temporarily living in Yokohama, Japan, but my home is in Newark, N. J. I was born in West Albany, N. Y., July 13, 1913. I am married to Raphael D. Cervera; we have been married 8 years and have no children of our own. I have been in the Armed Forces for approximately 20 years. Either way, if I retire or if I stay in the Army until I have been in for 30 years, I will have ample funds with which to support and maintain Michael Bernard, age 4 years of age, who is properly in our custody, my wife's and mine, same having been given us by Our Lady of Lourdes Orphanage, Yokohama, Japan. He is 50 percent Japanese national and it is my desire to have him permitted to enter the United States so that my wife and I may adopt him. At the present time, my base pay is $264 and if we do not occupy Government quarters, the Government gives me an additional pay of $67.50 per month, plus $32 a month for subsistence. While I am overseas I receive an overseas bonus of $22.50 per month. I have a joint bank account with my wife of approxi-

mately $600 in the Howard Savings Bank, Newark, N. J. I have a national service life insurance policy of $10,000, plus $2,500 of domestic insurance in the John Hancock Life Insurance Co., and another $2,500 in another domestic insurance company. One of them is a 20-year endowment policy and both of them have a cash-surrender value, in the amount at present I do not know. Other than that, my wife and I trust that the young man whom I very much desire to adopt, there is no one wholly or partially dependent upon me for support.

I make this affidavit in the hope that it will induce the proper authorities to further the passage of a private bill through Congress, which will permit me to take Michael Bernard into the United States so that my wife and I may adopt him as our very own.

In witness whereof I have hereto set my hand and seal at Yokohama, Japan, this 17th day of July 1951.

Master Sgt. CARMEN J. CERVERA.

Witnesses:

STANLEY F. MARQUESS,
S. F. C., Eight Thousand and Thirty-second Army Unit, A. P. O. 503.

KEITH M. WILSON,
Corporal, TAMSR Company, Eight Thousand and Thirty-second Army Unit, A. P. O. 503.

Duly subscribed and sworn to before the undersigned, a duly commissioned officer of the Army of the United States and authorized to perform notarial acts this 17th day of July 1951, at Yokohama, Honshu, Japan, under the provisions of article 136 (a) Uniform Code of Military Justice.

[SEAL]

GEORGE B. GRACE,
Captain, Infantry, Summary Court.

AFFIDAVIT

CITY OF YOKOHAMA,
Kanagawa Prefecture, Honshu, Japan, ss:

I, Raphael D. Cervera, being first duly sworn upon oath, depose and say:

That I am the wife of Carmen J. Cervera, who is a master sergeant in the Armed Forces of the United States, and who is presently assigned to the 8032d TAMRS Company, APO 503, in care of Postmaster, San Francisco, Calif. I am temporarily living in Yokohama, Japan, by reason of my husband's Army assignment.

I was born in Newark, N. J., May 3, 1919, and we have no children born of our union. I have been married to the above-named soldier approximately 8 years.

I am a graduate of a grammar school and went to a business school for 2 years thereafter.

My husband has been a member of the Armed Forces for approximately 20 years and, if he desires to retire in August, he will receive retirement pay until his death, and with our personal possessions we are well able to properly take care of the child we desire to bring into the United States and adopt.

I presently have a savings account in the Howard Savings Bank of Newark, N. J., which is now in the amount of approximately $1,500; I have jewelry in the amount of approximately $150, and clothing in the amount of approximately $500. The only person who is even partially dependent upon me for a slight amount of support is my mother, Mrs. L. Capaccio, who lives in our apartment at 294 Fairmount Avenue, Newark, N. J. My sister furnishes part of the support of my mother. Her name is Mrs. Dorothy Casgrove and she lives at 86 Cabinet Street, Newark, N. J.

This affidavit is made for the purpose of inducing the proper authorities to further the progress of the passage of a private bill in Congress for the additional purpose of permitting Michael Bernard, who is at present 4 years of age, and who is properly in our custody, to enter the United States. He is 50 percent Japanese national and was given into our custody by Our Lady of Lourdes Orphanage, Yokohama, Japan.

In witness whereof, I have hereunto set my hand and seal at Yokohama, Japan, this 16th day of July 1951.

Mrs. RAPHAEL D. CERVERA.

Witnesses:

BEVERLY VALLIANT,
J A Section, Headquarters, Japan Logistical Command, APO 343.

VIRGINIA HART,
J A Section, Headquarters, Japan Logistical Command, APO 343.

Duly subscribed and sworn to before the undersigned, a duly commissioned officer of the Army of the United States, and authorized to perform notarial acts, this 16th day of July 1951, at Yokohama, Honshu, Japan, under the provisions of article 136 (a) Uniform Code of Military Justice.

A. R. RICHSTEIN O58799,
Captain, JAGC, United States Army.

HEADQUARTERS, TRANS ARMY MARINE SHIP REPAIR COMPANY,

8032D ARMY UNIT,
APO 503, June 18, 1951.

Subject: Letter of recommendation.

To Whom It May Concern:

Master Sgt. Carmen J. Cervera has been a member of my command for the past 7 months, in which time I have been closely associated with him and have observed him both as a soldier and a family man. In my observation of him, I am firmly convinced that his character and efficiency are of the highest caliber.

He is an outstanding noncommissioned officer and is highly regarded by both his superiors and subordinates. He is meticulous and exacting and demands perfection of his men. His technical knowledge, ability, and sound judgment make him a great asset to the service.

It is my firm contention that Master Sgt. Carmen J. Cervera can capably handle any responsibility which may confront him as a soldier or family man.

WILLIAM COSSICK,
Captain, TC,
Commanding.

HEADQUARTERS, JAPAN LOGISTICAL COMMAND,
Communications Center, APO 343, June 18, 1951.

To Whom It May Concern:

Mrs. Raphael D. Cavera worked under my supervision from July 26, 1950, to January 20, 1951, as an attendant in an Army major relay station. Based upon observation during duty hours, I believe Mrs. Cavera to be a woman of high moral character with a good-natured disposition. Mrs. Cavera always displayed a pleasant manner in her dealings with her fellow workers.

GEORGE L. LINDEGREN,
Lieutenant Colonel, Signal Corps,
Officer in Command, Communications Center.

Sworn to and subscribed before me this 18th day of June 1951, at Yokohama, Japan.

F. E. BERRY, *Major, AGC.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4929) should be enacted.

○